

### **REMARKS**

Claims 1-4, 7 and 10-19 remain pending in the present application. Claim 21 has been cancelled. Claims 1 and 14 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-4, 7, 14, 15 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sugahara (U.S. Pat. No. 4,907,495). Claims 1 and 14 have been amended to define a solid disc shaped compensator that divides the cavity into a vented portion and a non-vented portion with the non-vented portion being in communication with the working chamber.

Sugahara discloses a compensator 25 which is not a solid disc shaped component and which does not divide the cavity into a non-vented portion and a vented portion. Piston 29 divides cavity 27 into a non-vented and a vented portion.

Thus, Applicant believes Claims 1 and 14, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-4, 7 and 15, which ultimately depend from Claim 1 or 14, are also believed to patentably distinguish over the art of record. Claim 21 has been cancelled. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-4, 7, 10-12, 14-18 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawai (U.S. Pat. No. 6,511,085) in view of Kishimoto, et al. (U.S. Pat. No. 5,513,108). Claims 13 and 19 are rejected under 35 U.S.C. § 103(a) as

being unpatentable over Sawai in view of Kishimoto, et al. as applied to Claims 1 and 14 above, and further in view of Sugiura (U.S. Pat. No. 3,784,179). As stated by the Examiner, Sawai fails to disclose a vent hole extending between the cavity and atmospheric pressure. The Examiner states that it would have been obvious to modify the damper of Sawai with a vent hole extending between the cavity and atmospheric pressure as a matter of design choice.

Sawai discloses a vehicle suspension apparatus where a pair of wheels of a suspension system can be interrelated. This is accomplished by having pressure regulator 86 and connecting the cavity of each shock absorber to the pressure regulator. To provide a vent hole for the cavity goes against the teachings of Sawai and makes Sawai unfit for its intended purpose which is to interrelate two shock absorbers. Thus, there is no incentive to combine Kishimoto, et al. with Sawai to provide Sawai with a vent hole.

Thus, Applicant believes Claims 1 and 14, as amended, patentably distinguish over the art of record. Likewise, Claims 2-4, 7, 10-13 and 15-18, which ultimately depend from Claim 1 or Claim 14, are also believed to patentably distinguish over the art of record. Claim 21 has been cancelled. Reconsideration of the rejection is respectfully requested.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: 

Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MJS/pmg